

Health and Human Services Agency California Office of HIPAA Implementation

POLICY MEMORANDUM

COHI PM-2002/01

**TO: HIPAA Statewide Workgroup Members
HIPAA-Impacted State Entity Directors
HIPAA-Impacted State Entity Coordinators**

FROM: OFFICE OF HIPAA IMPLEMENTATION

Title: Workgroup Product Approval Process	Number: COHI PM-2002/01
Subject: Process for comment and approval of HIPAA Sub-Workgroup products that are to be forwarded to the California Office of HIPAA Implementation (COHI)	Issue Date: January 23, 2002
Reference(s): N/A	Expiration Date: Until Amended
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I. PURPOSE

The document provides the process that final products developed by the HIPAA Statewide Workgroup and its Sub-Workgroups will follow to submit to COHI for comment, approval and distribution.

II. POLICY

Sub-Workgroup Products to Statewide Workgroup

1. Final draft Sub-Workgroup products will be emailed out to members on the existing Statewide Workgroup email list by the product owner who is the lead person on the team or the individual that developed the product for comments. The comments will be returned to the lead person by members within a ten (10) business day period. This will allow the Sub-Workgroup time to analyze the comments and make appropriate changes. [Products sent to the Statewide Workgroup members should have a Version Number to allow for tracking should a different version of a product be resent to the Statewide Workgroup.]

The products will be reviewed and discussed at the Statewide Workgroup meeting led by the Sub-Workgroup leader or the product owner, as determined by the Sub-Workgroup. The Sub-Workgroup will present the major issues raised during the comment period and the resolution of those issues at that meeting. This will allow every member an opportunity to provide input/comments. It also will assure that a product from one group does not conflict with a product from another group.

2. The product will be forwarded by the leader of the Sub-Workgroup or a chairperson for the Statewide Workgroup to COHI for processing.

COHI Review

3. After receipt of a product, COHI will do a review to assure that the product:
 - ❖ Takes into consideration all factors of the federal policy, regulations, and law; and the state policy, regulations and law.
 - ❖ Is applicable to the range of departments covered by HIPAA, and not targeted so specifically as to address a single program or department.
 - ❖ Reflects any standards, policies or guidelines already issued by COHI.
 - ❖ Fits into the context of existing policies, if appropriate.
 - ❖ Clearly indicates which factors in the product are mandated versus those that are optional.
 - ❖ Is consistent with the overall approach to California's implementation of HIPAA.

Product Approvals

4. COHI will seek departmental/state entity and agency approvals after the Statewide Workgroup submits products to COHI for review.
 - COHI will determine the level of approval required prior to distribution (e.g., need HHS or Advisory Group approval?)
 - COHI will forward the final draft products to the HIPAA coordinators identified in the HIPAA Assessment questionnaire to obtain approval. Impacted entities/departments will have ten (10) business days to provide comments to COHI. If no comments are received within the ten days, COHI will assume that the impacted entity/department has no comments.
 - COHI will review the comments and make a determination as to whether the comments are generic or entity specific. If generic, COHI will consider the issue/revision and if the change is to be made, return the product to the Workgroup for further analysis.
 - If the comments are entity specific, COHI will contact the commenter and discuss the issue and let the entity know how their comment will be considered and why.
5. COHI will return the products to the Statewide Workgroup and to the Sub-Workgroup leaders if follow-up analysis is required.
 - In cases where the changes are minimal, COHI will make the necessary changes and inform the Statewide Workgroup coordinator and Sub-Workgroup leaders of the changes.

Product Distribution

6. Final products will be posted on the COHI website, and released according to the COHI Communication plan. For example, products will be either: 1) emailed to all members of the Statewide Workgroup, and/or, 2) will be provided in hard copy.

III. IMPLEMENTATION/EFFECTIVE DATE

1. This process will be effective immediately.
2. The final products that are currently on the California Department of Mental Health's HIPAA web site will need to be processed through this system. Before submitting products to COHI:
 - The Sub-Workgroups will email finalized products to the Statewide Workgroup membership for comments.
 - Any comments will be processed according to Section II above.
 - The Statewide Workgroup or the Sub-Workgroup will forward the product to COHI for processing.

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Director
Office of HIPAA Implementation